

**CITY OF TAKOMA PARK, MARYLAND
CLOSED SESSION, PRESENTATION, INTERVIEWS, SPECIAL SESSION AND
WORKSESSION OF THE CITY COUNCIL**

**Monday, June 6, 2005
(Adopted September 12, 2005)**

Closed Session 6/6/05 - Motion by Seamens; second by Williams. On June 6, 2005, the Council convened at 6:45 p.m. in the Municipal Building Council Chambers to vote to convene in Closed Session in the Municipal Building, Police Conference Room, to receive a briefing on negotiations with Local 400 of the United Food and Commercial Workers International Union. (VOTING FOR: Porter, Elrich, Seamens, Williams; ABSENT: Austin-Lane, Barry, Mizeur). OFFICIALS PRESENT: Porter, Austin-Lane, Elrich, Mizeur, Seamens, Williams; STAFF/OTHERS PRESENT: Matthews, Hobbs, Carpenter. The Council agreed with the Deputy City Manager's direction on negotiations. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9)).

OFFICIALS PRESENT:

Mayor Porter	City Manager Matthews
Councilmember Austin-Lane	Deputy City Manager Hobbs
Councilmember Barry	City Clerk Carpenter
Councilmember Mizeur	Community and Government Liaison Ludlow
Councilmember Seamens	HCD Director Daines
Councilmember Williams	

OFFICIALS ABSENT:

Councilmember Elrich

Following the Closed Session noted above, an Executive Function Session was held to discuss the City Attorney's Evaluation. The Council then reconvened in Open Session.

COUNCIL COMMENTS

Ms. Porter announced that Mr. Elrich would not be able to be present for the Council meeting.

Ms. Austin-Lane noted the upcoming Victory Tower dedication, to be held Monday, July 13, at 11:00.

PUBLIC COMMENTS

There were no public comments.

PRESENTATION

1. Update on the Community Center Construction Project.

Ms. Matthews updated Council on the Community Plaza Level bid process. Last Wednesday, we detected a problem with one of our printing companies. They had inadvertently provided bid documents from last fall's request for proposals. We made a decision to extend the bid deadline to be sure that all bidders had complete and proper drawings. At this point, we expect to receive four bids this Wednesday. The bid discussion is scheduled for next Monday.

There was one major change to the base bid for the project which includes certain modifications to the restrooms on the first floor to ensure their compliance with ADA. The bid documents include five alternates: 1) the use of low VOC paint; 2) a warming kitchen; 3) provision of a security system which had been eliminated from the current project; 4) window protection for the Public Safety Level; and 5) a voice fire alarm system.

PEPCO has minor work which remains to be done. Once that is completed, James F. Knott Construction can begin their work. There is also an issue as to when the railings will be on site.

Mr. Williams noted that the City Manager will be scheduling a walk through of the construction area for the City Council.

Ms. Austin-Lane asked about the status of the facade by the Council Chambers.

Ms. Matthews responded that the rolled steel roofing is in the process of being fabricated.

In response to a question from Ms. Austin-Lane, Ms. Porter indicated that another discussion of use and rental policies will probably be scheduled for July.

Mr. Seamens asked a question about the bid alternatives.

Ms. Matthews responded that based on a Council discussion in February, there seemed to be an interest in a kitchen to increase the marketability of the facility for rental. The other items were added as alternatives after a review of items which had been value engineered out of the project. The current plans do not provide for any security for the windows on the Security Plaza Level. The current contract provided for conduit for a swipe card system, but no security system.

INTERVIEWS

2. Arts and Humanities Commission

Council interviewed Omar Dascent, Karen Levenback, Jose Dominguez, Eric Picard and Patrick Stewart.

Ms. Austin-Lane commented that she is pleased that we have been able to include neighbors from outside the city on the Commission.

There was a brief Council discussion as to what happens to past applicants who were not selected to serve.

3. Facade Advisory Board

Council interviewed John Hume.

After the interview, there was a brief discussion of the need to clarify how representative appointments are made, for example, the Historic Takoma, Inc. representative to the Facade Advisory Board.

4. Emergency Preparedness Committee

The Council interviewed Steve Cavallo.

5. Noise Control Board

The Council interviewed Kathleen Berst and Alison Keefe.

SPECIAL SESSION

6. 1st Reading Ordinance re: FY2006 Tax Rate

Motion by Williams; second by Barry, to adopt the FY2006 Tax Rate.

Mr. Williams commented that he is happy with the three cent reduction in the tax rate.

Mr. Seamens commented that he is disappointed that we are increasing the taxes this year. As we went through the budget process, previous Council decisions are what required us to raise taxes to this point. There has been no serious discussion yet nor support for reducing services.

Mr. Austin-Lane said she is also pleased this year that Council set as a goal to decrease the tax rate. It is halfway back to the constant yield rate. The TASDI report has laid out areas to explore. By this time next year, I hope that some of the service issues will come to fruition.

Mr. Williams noted that it is important to remember that if we were to keep the rate at the constant yield rate, then continuing on into the next fiscal year, we would be spending the same amount as this fiscal year. Costs are driven by personnel. People get increased wages, and we have costs like insurance and workers compensation. These costs don't go down, they go up. Given these circumstances, this is a good place to be at.

Mr. Barry commented that residents of Ward 6 have not expressed a strong appetite for cuts in services. I am pleased to see us adopt this tax rate which, along with the cut at the county level,

provides additional relief. Residents are pleased to see their streets being repaired and pleased that the Community Oriented Policing program is in effect. Council has agreed to fill Police Department vacancies when we have the qualified applicants. It might require an increase in the tax rate next year.

Ordinance 2005-13 was accepted at first reading (VOTING FOR: Porter, Austin-Lane, Barry, Mizeur, Seamens, Williams; ABSENT: Elrich).

**Ordinance 2005-13
(Attached)**

7. 1st Reading Ordinance re: FY 2006 Storm Water Budget

Mr. Williams moved that the Council convene as the Stormwater Board; second by Mr. Seamens. The motion was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Mizeur, Seamens, Williams; ABSENT: Barry).

Mr. Williams moved to adopt the FY2006 Stormwater Budget; second by Barry.

Ms. Austin-Lane noted that the materials the City Manager provided were helpful in noticing that our costs are going up for personnel, but our fees are not. We are able to accomplish fewer stormwater projects. Council should look at this issue over the next year and look at this fee.

Mr. Williams commented that the fee has not been raised in a while. It is most helpful when we raise fees incrementally over time, rather than cause a big jump in the fee all at once.

Ms. Austin-Lane indicated that she would like to see a staff report on the fee structure. How is our fee structure set up for residential versus institutional use? Ms. Austin-Lane said she would like staff to see whether the current fee structure is sufficient.

Ms. Matthews commented that there is a different rate by class, based on the amount of impervious surface. Beyond a single family lot, institutions would have a lot of paved areas and would pay a higher amount.

Ms. Matthews said she will apprise the Council if there would be an additional expense to do this.

Mr. Williams said he would like staff to look at the relationship of other classes and how they contribute, and how we might adjust that in relationship to the base unit.

Ordinance 2005-14 was accepted at first reading (VOTING FOR: Porter, Austin-Lane, Barry, Mizeur, Seamens, Williams; ABSENT: Elrich).

Ordinance 2005-14

(Attached)

8. 1st Reading Ordinance re: FY06 Budget (including FY06-FY10 CIP)

Motion by Barry; second by Austin-Lane.

Ms. Matthews summarized the FY06 budget, totaling \$19,763,522. This ordinance authorizes certain operating transfers from the general fund. The Council approved the sale of the two Piney Branch properties. We would do an operating transfer to account for this. There is also an operating transfer authorized, in the amount of \$3,309, to the special revenue fund for required City matches for grant funds. Ms. Matthews noted the contingency and reserves.

Ms. Mizeur asked if the carpet in the Library would need to be replaced earlier than noted in the CIP due to the recent water damage. Mr. Hobbs responded that it will not be necessary.

Ms. Austin-Lane commented that given the County increase in the fee to do the rental housing license inspections, she would like to revisit raising our fee. She noted that she has been encouraged by the community support for a CSAFE program in the Old Town / Metro area. My understanding is that if we had to put up matching funds, Council would be supportive of this.

Ms. Porter said she appreciates Ms. Austin-Lane's concern about the CSAFE program. I would support the Council putting money into it at the point where we have a partner. There would be funding in the unappropriated reserve to fund this.

Mr. Williams said he would be happy to support whatever language we can put into discussions or written documents that we have that can make it clear that we are prepared to move forward.

Mr. Barry said he is fully supportive. I am concerned about what the Chief said when she said she was concerned about questionable support in Annapolis. To hold on to the Crossroads CSAFE, and to add the DC side, we will need state funding. We need to work with our representatives to ensure we have the support.

Ordinance 2005-15 was accepted at first reading (VOTING FOR: Porter, Austin-Lane, Barry, Mizeur, Seamens, Williams; ABSENT: Elrich).

Ordinance 2005-15
(Attached)

9. 1st Reading Ordinance re: FY06 AFSCME Pay Plan

Motion by Mizeur; second by Barry.

Mr. Hobbs commented on the AFSCME and Management/Non-Union Pay Plan. Both include a 2.5% market adjustment. Several years ago, Council determined that we would do a market based program. Last year, market wages increased 2.1%, but our obligation in the Union contract with AFSCME employees requires a 2.5% increase. The police pay plan will be brought forward in a future meeting.

Ms. Williams commented on previous discussions about having a floor on increases in the contract.

Mr. Hobbs agreed we should also put a ceiling into the contract. We cannot change this until we go into negotiations with AFSCME.

Ordinance 2006-16 was accepted at first reading (VOTING FOR: Porter, Austin-Lane, Barry, Mizeur, Seamens, Williams; ABSENT: Elrich).

Ordinance 2005-16 (Attached)

10. 1st Reading Ordinance re: FY06 Management and Non-Union Staff Pay Plan

Motion by Williams; second by Austin-Lane.

Ordinance 2005-17 was accepted at first reading (VOTING FOR: Porter, Austin-Lane, Barry, Mizeur, Seamens, Williams; ABSENT: Elrich).

Ordinance 2005-17 (Attached)

BREAK

The Council recessed for a scheduled break at 9:27 p.m., and reconvened in Worksession at 9:45 p.m.

WORKSESSION

Mayor Porter reordered the agenda.

12. Alcoholic Beverage License (Middle Eastern Café)

Ms. Daines introduced Mr. Fred Hishmeh, owner of the Middle Eastern Cuisine and Market, who is applying for a beer and wine license for his restaurant.

Mr. Hishmeh commented that he has been here since 1973. Customers have shown support for this change. Mr. Hishmeh provided a survey showing customer support.

Ms. Austin-Lane said she is happy to see the survey. She said she knows there is support for the license.

Ms. Mizeur agreed.

Mr. Barry recognized that Mr. Hishmeh runs a family establishment. Are you aware that there is an alcohol problem in the larger area? What would be your policy if you are successful.

Mr. Hishmeh indicated that he would serve no more than three beers or wines to customers with dinner.

Mr. Seamens asked if the license would permit sales for off-premises consumption. Mr. Hishmeh responded that alcohol will only be sold for use on the premises.

Ms. Daines noted that there are only two off-site licenses in the city, both in Ward 6.

Ms. Porter, noting her sense that Council is supportive, said she will schedule a resolution for Council's consideration. There will be an opportunity for public comments at that time.

11. Discussion of Plans for Takoma Piney Branch Park

Ellen Misciocchi and Andrew Frank were present for the discussion.

Ms. Ludlow noted the minor modifications to the plan since it was last before Council on March 7.

Ms. Misciocchi commented that the community had asked for less impervious surface to the entranceway at Grant Avenue. We proposed taking out the Grant avenue stairs and making improvements to the entranceway. We have tried to work with the neighborhood

Ms. Austin-Lane requested clarification on some of the changes. She said she is pleased that Park and Planning staff tried to incorporate changes that the community wanted.

Ms. Porter noted that a funding discussion for the proposed skateboard park will be needed in the future.

Ms. Ludlow indicated that there will be a lot of back and forth with the City and County on that.

Mr. Seamens asked if the two portable toilets will meet the actual need there.

Mr. Frank said two are being put in to meet the demand there.

Ms. Ludlow noted that they are portable. We could request more if there is a demand for them.

Ms. Misciocchi explained that Park and Planning maintains the toilets, through a contractor.

Mr. Seamens asked about the wetlands.

Ms. Ludlow said a study was done. A discussion is needed about options, but it is not part of this project.

Ms. Austin-Lane requested that Council be kept informed about the skate park. It would be just a fraction of the funding of the proposed park at Fenton. We've done much of the groundwork. I would like to see us get the skate park as soon as possible. What about Maple Avenue access to the park?

Mr. Frank commented on the severe slope and erosion problem. We have discussed some of the issues there, including the sediment that runs off. We do have measures to try to re-vegetate, but I think it would be difficult. Foot traffic creates a lot of erosion. We are not trying to encourage access there. We are trying to include natural surface trail entrances which will draw some of the foot traffic there. We may need to address this further

Mr. Seamens said he appreciates the erosion concern. Can you use your influence in the near term so it isn't washing down into the stream? Something ought to be done now, at least something to slow the water.

Mr. Frank said we will be talking with County Department of Public Works. Ms. Ludlow noted that the City Engineer is working with them.

Ms. Misciocchi said the plan is up for review at the Planning Board soon. The project is slated to be inserted into the CIP for 2007.

Jane Wellnut, 221 Grant Avenue, said our main concern is that the Grant Avenue entrance not be the main entrance to the park. I appreciate your expanding the Darwin Avenue entrance. Handicapped parking plans are fluid because of the Community Center. The City has made a commitment for a berm. I want to get on the record that the County plan does not work against these purposes. I would not want any of the park paved over for Community Center parking. Ms. Wellnut also commented that the steep dirt path doesn't do justice to the Maple Avenue community.

Wayne Sherwood, 218 Grant Avenue, supported what Ms. Wellnut said. We have had good meetings with the County. We're satisfied that they made the best effort. The whole area will

change a lot. We're pleased at the improvements, but we are concerned that this is a place people will want to come. We've also been told that the turnaround will be about the same size to accommodate the traffic.

Bruce Sidwell, 7209 Spruce, member of the Committee on the Environment and Friends of Sligo Creek, commented that we have been tracking this project from an environmental standpoint. We're in favor of removal of invasive species, in favor of the stormwater management, interested in environmental enhancements in Takoma Woods there. We need to work on the eroded trail, and should consider a rain garden or some other mediation. We are interested in making that more of a wildlife habitat area. Ideally, we would daylight the stream.

Mr. Williams suggested adding language in the third whereas, to indicate our interest in a skateboard park.

Ms. Austin-Lane noted the vines on the wires above the sidewalk on Grant Avenue that need to be removed. We also need to have a strategy for police oversight of activities in the Park. Do we need to have an MOU. I would like to see the City Manager address this.

Ms. Ludlow indicated that there is an MOU in place.

13. Discussion of Legislative Priorities

Ms. Ludlow described the options she prepared for submission to MML for their consideration. They are based on issues raised by Council previously and issues raised in the TASDI report. They include: 1) An appeals process for municipal tax duplication disputes; 2) Raising the 17% income tax rebate received by the municipalities; 3) Municipal electrical aggregation; and 4) homeowner tax relief. In addition to these requests to MML, we can look at making proposals to our legislators.

There was Council consensus to move forward with the requests.

ADJOURNMENT

The Council adjourned for the evening at 10:44 p.m.